



**State of New Jersey**  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
**101 SOUTH BROAD STREET**  
**PO BOX 819**  
**TRENTON, NJ 08625-0819**

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**CHARLES A. RICHMAN**  
*Commissioner*

**INTERIM ORDER**

**July 26, 2016 Government Records Council Meeting**

Michael Doss  
Complainant

Complaint Nos. 2013-315 and 2014-152

v.

Borough of Bogota (Bergen)  
Custodian of Record

At the July 26, 2016 public meeting, the Government Records Council ("Council") considered the May 17, 2016 Supplemental, if applicable Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that that these complaints be remanded back to the Office of Administrative Law to afford the prior Borough Administrator an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and in the event the Administrative Law Judge determines that the prior Borough Administrator knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, to impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, to award a reasonable attorney's fee if said fee has not already been paid.

Interim Order Rendered by the  
Government Records Council  
On The 27<sup>th</sup> Day of July, 2016

Robin Berg Tabakin, Esq., Chair  
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary  
Government Records Council

**Decision Distribution Date: July 27, 2016**



**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director  
July 26, 2016 Council Meeting**

**Michael Doss<sup>1</sup>  
Complainant**

**GRC Complaint No. 2013-315  
GRC Complaint No. 2014-152  
(Consolidated)**

**v.**

**Borough of Bogota (Bergen)<sup>2</sup>  
Custodial Agency**

**GRC Complaint No. 2013-315**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Frances Garlicki, Clerk

**Requests Received by Custodian:**

September 5, 2013  
September 10, 2013  
September 18, 2013  
September 30, 2013  
October 4, 2013

**Responses Made by Custodian:**

No written response on file  
No written response on file  
No written response on file  
October 2, 2013 extended to October 17, 2013  
October 7, 2013 extended to October 21, 2013

**GRC Complaint Received:** October 22, 2013

**GRC Complaint No. 2014-152**

**Records Relevant to Complaint:** See Exhibit B

**Custodian of Record:** Frances Garlicki, Clerk

**Requests Received by Custodian:** December 13, 2013 and February 28, 2014

**Responses Made by Custodian:** None

**GRC Complaint Received:** March 28, 2014

**Background**

**July 29, 2014 Council Meeting:**

At its July 29, 2014 public meeting, the Government Records Council (“Council”) considered the July 22, 2014 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties for both complaints. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore,

---

<sup>1</sup> Represented by Walter M. Luers, Esq. (Clinton, NJ).

<sup>2</sup> Represented by Craig P. Bossong, Esq., of Florio Perrucci Steinhardt & Fader (Rochelle Park, NJ).

Michael Doss v. Borough of Bogota (Bergen), 2013-315 and 2014-152 – Supplemental Findings and Recommendations of the Executive Director

found that based on the inadequate evidence in these matters, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, these complaints should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, these complaints should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

#### Procedural History:

On February 9, 2015, the complaints were sent to the Office of Administrative Law (“OAL”) as separate matters. Administrative Law Judge (“ALJ”) Leland S. McGee consolidated the complaints by Order dated March 3, 2016.

On March 7, 2016, the ALJ issued an Initial Decision. After stating that the Respondent admitted culpability, the ALJ concluded that “*a penalty of \$1,000 should be imposed for the first offense of knowingly and willfully denying Petitioner of access [sic] to the public records that are the subject matter of these GRC complaints.*” The ALJ then ordered that “*a penalty in the amount of \$1,000 be imposed against Respondent for the first offense. I further **ORDER** Respondent to pay reasonable attorney’s fees to Petitioner’s counsel.*” Attached to the Initial Decision and made a part thereof is a Joint Stipulation of Facts executed by the Complainant’s Counsel and the Custodian’s Counsel.<sup>3</sup> The ALJ adopted the Joint Stipulation of Facts as his sole and complete finding of facts in the case. The Joint Stipulation of Facts provides as follows:

1. The Borough of Bogota, through the prior Borough Administrator, knowingly and willfully denied the Petitioner access to the public records that are the subject matter of these GRC complaints;
2. Pursuant to N.J.S.A. 47:1A-11, a penalty as determined by this Court and consistent therein shall be paid;<sup>4</sup>
3. Pursuant to N.J.S.A. 47:1A-6, the Borough shall pay reasonable attorney’s fees to Petitioner’s Counsel.

As a part of the **LEGAL ANALYSIS AND CONCLUSIONS OF LAW**, the ALJ stated: “*This penalty shall be collected and enforced in proceedings in accordance with the ‘Penalty Enforcement Law of 1999,’ P.L. 1999, c. 274 (C. 2A:58-10 et seq.), and the rules of court governing actions for the collection of civil penalties.*”

On March 21, 2016, the Complainant’s Counsel submitted to the GRC exceptions<sup>5</sup> to the ALJ’s Initial Decision. Counsel asserts that on March 3, 2016, the parties entered into a stipulation of facts in which they stipulated that the prior Borough Administrator had knowingly

---

<sup>3</sup> This item is appended to the Initial Decision as an exhibit marked “J-1 Joint Stipulation of Facts.”

<sup>4</sup> The Stipulation of Facts, signed by Counsel for both parties, does not explicitly state who should pay the penalty.

<sup>5</sup> In reviewing the exceptions, the GRC notes that the ALJ adopted verbatim the provisions of the Stipulation of Facts that Counsel signed on behalf of their respective clients.

Michael Doss v. Borough of Bogota (Bergen), 2013-315 and 2014-152 – Supplemental Findings and Recommendations of the Executive Director

and willfully violated OPRA and the Petitioner was the prevailing party entitled to reasonable attorney's fees.<sup>6</sup>

Counsel first argues that OPRA provides that the knowing and willful penalty is personal to the records custodian or other individual who violated OPRA, not the public agency. Counsel cites Bart v. City of Paterson Housing Auth., GRC Complaint No. 2005-145 (May 2007), wherein the Council modified an administrative law judge's decision by vacating the penalty against the Paterson Housing Authority and imposing it against the custodian personally. Counsel also cites Paff v. Borough of S. Bound Brook, GRC Complaint No. 2006-158 (May 2007), and O'Shea v. Borough of Mount Vernon, GRC Complaint No. 2007-207 (May 2011), in support of his argument that a knowing and willful penalty should be assessed against an individual and not an agency. The Complainant's Counsel contends that because the ALJ imposed a penalty on the public entity, but not the custodian personally, that aspect of the decision should be vacated and the matter remanded to OAL for a due process hearing.

Counsel next argues that this consolidated complaint consists of two separate courses of conduct; however, the ALJ only imposed one penalty. Counsel argues that the Initial Decision should therefore be vacated and remanded back to OAL so multiple penalties can be imposed.

On March 24, 2016, the Custodian's Counsel submitted to the GRC a response to the Complainant's exceptions. Counsel asserts that the Complainant's Counsel wants to add another party as a defendant in addition to the Borough of Bogota. Counsel asserts that in the Bart and Paff GRC decisions cited by the Complainant's Counsel, the caption contained the name of the public entity followed by "Custodian of Record." Counsel states that the Complainant's Counsel "cut short the name of the full Defendant and concluded his case caption with the name of the public entity." Counsel states that it was expressed several times during the course of the OAL proceedings that the "Borough of Bogota is the only Defendant" (emphasis in original). Counsel further states that the individuals who were involved at the time the OPRA requests were submitted are no longer with the Borough.

The Custodian's Counsel also argues that the ALJ did not err by concluding that there was only one course of conduct and therefore that only one penalty should be imposed. Counsel asserts that if the Complainant did not want the matters considered as one complaint, such an argument should have been raised at the time they were consolidated.

On March 24, 2016, the Complainant's Counsel submitted to the GRC a reply to the Custodian's response to the Complainant's exceptions. Counsel takes issue with the remarks of the Custodian's Counsel concerning the captioning of GRC cases. Counsel states that in all GRC cases the respondent is the agency's custodian. Counsel states that all GRC cases have the agency named followed by "Custodian of Record."<sup>7</sup>

---

<sup>6</sup> Complainant's Counsel mentions that the issue as to whether the Complainant was entitled to attorney's fees was not referred by the GRC to OAL because the Complainant retained counsel after the complaint was referred to OAL.

<sup>7</sup> The GRC notes that, with the exception of leaving out the date, the Complainant's Counsel accurately captioned the GRC decisions cited in his exceptions. Before 2013, the GRC captioned cases by listing the complainant's name followed by "Complainant" v. the agency name followed by "Custodian of Record." Commencing in 2013, the GRC changed "Custodian of Record" to "Custodial Agency," as is the case with the instant complaints.

Michael Doss v. Borough of Bogota (Bergen), 2013-315 and 2014-152 – Supplemental Findings and Recommendations of the Executive Director

Counsel also states that he wants the record to reflect that he entered his appearance in these complaints on December 8, 2015. Finally, Counsel states that he urged in numerous calls and communications that the former Borough Administrator should be involved in the OAL proceedings. Counsel states that he even reached out to the GRC's counsel, DAG Debra Allen, regarding the issue.<sup>8</sup>

### Analysis

An administrative agency has the duty of ensuring that the administrative law judge's decision was based on a preponderance of the credible evidence. In re Polk License Revocation, 90 N.J. 550, 560 (1982); Dore v. Bedminster Tp. Bd. of Ed., 185 N.J. Super. 447, 453 (App. Div. 1982). The agency's decision need only "demonstrate that the agency gave attentive consideration to the ALJ's recommendation as part of the record and [to] address itself to key items of evidence which were crucial to its decision." Public Advocate Dep't v. Public Utilities Bd., 189 N.J. Super. 491, 506. *See also* St. Vincent's Hospital v. Finley, 154 N.J. Super. 24, 29-33 (App. Div. 1977). The ultimate determination of the agency and the ALJ's recommendations must therefore be accompanied by basic findings of fact sufficient to support them. State, Dep't of Health v. Tegnazian, 194 N.J. Super. 435, 442-43 (App. Div. 1984). The purpose of such findings "is to enable a reviewing court to conduct an intelligent review of the administrative decision and determine if the facts upon which the order is grounded afford a reasonable basis therefor." Id. at 443.

N.J.S.A. 52:14B-10(c) provides that "unless the head of the agency modifies or rejects the report within [45 days after receipt of the ALJ's recommendations], the decision of the administrative law judge shall be deemed adopted as the final decision of the head of the agency." Id. Here, the ALJ's Initial Decision became "deemed adopted" on or about April 21, 2016, pursuant to N.J.S.A. 52:14B-10(c). Therein, the parties stipulated to the facts that were subsequently incorporated by the ALJ in the Initial Decision, and one of the facts is that "[t]he Borough of Bogota, through the prior Borough Administrator, knowingly and willfully denied...access."

The ALJ ordered the Borough of Bogota to pay a \$1,000 penalty, and it was already found as a fact by the ALJ that the prior Borough Administrator was the person within the Borough who knowingly and willfully violated OPRA. However, there is nothing in the evidence of record to indicate that the prior Borough Administrator was afforded a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). Such a hearing is necessary because the parties stipulated to the prior Administrator's knowing and willful violation without the Administrator's participation in the proceedings. Absent his participation, the Administrator is now subject to a penalty in the amount of \$1,000, as ordered by the ALJ. Moreover, the ALJ stated that the penalty shall be collected and enforced in proceedings in accordance with the 'Penalty Enforcement Law of 1999,' P.L. 1999, c. 274 (C. 2A:58-10 et seq.); however, the Administrator was not provided the opportunity to contest the

---

<sup>8</sup> The Complainant's Counsel submitted to the ALJ a letter dated March 3, 2016, wherein Counsel states, "we have reached out to DAG Debra Allen and asked for the GRC's view or position regarding whether a municipal body, in contrast to an individual, can be penalized under OPRA. She responded and told me she needed to have internal conversations regarding that issue."

Michael Doss v. Borough of Bogota (Bergen), 2013-315 and 2014-152 – Supplemental Findings and Recommendations of the Executive Director

parties' stipulated statements that he knowingly and willfully violated OPRA. Therefore, because due process was not effectuated in these complaints, the ALJ cannot order that a penalty be assessed against a "public official, officer, employee or custodian" who has not participated in the hearing.

Accordingly, these complaints must be remanded back to the Office of Administrative Law ("OAL") to afford the prior Borough Administrator an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and in the event the Administrative Law Judge determines that the prior Borough Administrator knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, to impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, to award a reasonable attorney's fee if said fee has not already been paid.

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that these complaints be remanded back to the Office of Administrative Law to afford the prior Borough Administrator an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and in the event the Administrative Law Judge determines that the prior Borough Administrator knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, to impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, to award a reasonable attorney's fee if said fee has not already been paid.

Prepared By: John E. Stewart

May 17, 2016<sup>9</sup>

---

<sup>9</sup> This complaint was scheduled to be adjudicated by the Council on May 24, 2016, but the Council held the matter based on the advice of legal counsel. The complainant was subsequently scheduled to be adjudicated by the Council on June 28, 2016, but the complaint could not be adjudicated due to lack of a quorum.  
Michael Doss v. Borough of Bogota (Bergen), 2013-315 and 2014-152 – Supplemental Findings and Recommendations of the Executive Director



**State of New Jersey**  
**GOVERNMENT RECORDS COUNCIL**

101 SOUTH BROAD STREET  
PO BOX 819  
TRENTON, NJ 08625-0819

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**RICHARD E. CONSTABLE, III**  
*Commissioner*

**INTERIM ORDER**

**July 29, 2014 Government Records Council Meeting**

Michael Doss  
Complainant

Complaint No. 2013-315

v.

Borough of Bogota (Bergen)  
Custodian of Record

At the July 29, 2014 public meeting, the Government Records Council ("Council") considered the July 22, 2014 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that based on the inadequate evidence in this matter; the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, this complaint should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Interim Order Rendered by the  
Government Records Council  
On The 29<sup>th</sup> Day of July, 2014

Robin Berg Tabakin, Esq., Chair  
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary  
Government Records Council

**Decision Distribution Date: July 30, 2014**



**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
July 29, 2014 Council Meeting**

**Michael Doss<sup>1</sup>  
Complainant**

**GRC Complaint No. 2013-315**

**v.**

**Borough of Bogota (Bergen)<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Frances Garlicki, Clerk

**Requests Received by Custodian:**

September 5, 2013  
September 10, 2013  
September 18, 2013  
September 30, 2013  
October 4, 2013

**Responses Made by Custodian:**

No written response on file  
No written response on file  
No written response on file  
October 2, 2013 extended to October 17, 2013  
October 7, 2013 extended to October 21, 2013

**GRC Complaint Received:** October 22, 2013

**Background<sup>3</sup>**

**Requests and Responses:**

On September 5, 2013, September 10, 2013, September 18, 2013, September 30, 2013, and October 4, 2013 the Complainant submitted Open Public Records Act ("OPRA") requests to the Custodian seeking the above-mentioned records. The Custodian certified she responded to the Complainant's September 5, 2013 request on September 12, 2013, the September 10, 2013 request on September 16, 2013, and the September 18, 2013 request on September 18, 2013; however, there is no evidence of record to confirm the Custodian's certification that a response was made to these three requests. The Custodian responded to the September 30, 2013 request on October 2, 2013, requesting an extension of time until October 17, 2013. The Custodian also responded to the October 4, 2013 request on October 7, 2013, requesting an extension of time until October 21, 2013. The Complainant disagreed with the Custodian by stating that the Custodian's responses have "...easily fallen beyond the 7-day grace period..." It is unclear from

---

<sup>1</sup> No legal representation listed on record.

<sup>2</sup> No legal representation listed on record. The Custodian certified that she was represented by Joseph G. Monaghan, Esq. (Hackensack, NJ); however, said attorney denied he was presently representing the Borough in this matter.

<sup>3</sup> The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.



the evidence of record whether the Custodian granted or denied the Complainant's requests. It is further unclear whether, if granted, responsive records were disclosed and, if denied, the denial was lawful.

#### Denial of Access Complaint:

On October 22, 2013, the Complainant filed a Denial of Access Complaint with the Government Records Council ("GRC"). The Complainant asserts that he filed OPRA requests on September 5, 2013, September 10, 2013, September 18, 2013, September 30, 2013, and October 4, 2013. The Complainant further states that the Custodian did not respond to the requests. The Complainant also states that with respect to the requests he submitted on September 5, 2013, September 10, 2013, September 18, 2013, and September 30, 2013, Mr. Greiner denied the requests by informing the Complainant the requests were unclear and overly broad.<sup>4</sup> The Complainant states, however, that Mr. Greiner wrote some notations next to several of the request items; however, those responses:

- Contained misinformation and inconsistencies.
- Contained inaccurate and/or missing information.
- Provided false reasons for denying access to the records.

With respect to the Complainant's October 4, 2013 request, the Complainant states that the Borough failed to provide any information. The Complainant further states that he contacted Mr. Greiner on October 17, 2013, to inquire about the status of the request and Mr. Greiner told him, "you and I both know this is bulls\*\*t."

#### Statement of Information:

On October 30, 2013, the Custodian filed a Statement of Information ("SOI"). The Custodian certifies that she received the five (5) OPRA requests which formed the basis of the complaint on September 5, 2013, September 10, 2013, September 18, 2013, September 30, 2013, and October 4, 2013. The Custodian further certifies that she responded to the September 5, 2013 request on September 12, 2013, the September 10, 2013 request on September 16, 2013, the September 18, 2013 request on September 18, 2013, the September 30, 2013 request on October 2, 2013, and the October 4, 2013 request October 7, 2013. The Custodian certifies that she requested an extension of time for the September 30, 2013 request and the October 4, 2013 request until October 17, 2013 and October 21, 2013, respectively.

The Custodian attached a document index for each of the Complainant's five (5) requests. The Custodian certifies that the document indices also contain the Custodian's response to Items 10, 11 and 12 of the SOI.<sup>5</sup> The document indices listed some of the records that were determined to be responsive to the requests. Each document index required the Custodian to list the legal explanation and statutory citation for every denial of access to records. However, the Custodian

---

<sup>4</sup> Mr. C. Greiner is the business administrator and it is not clear from the complaint why Mr. Greiner, rather than the Custodian, responded to the Complainant's requests.

<sup>5</sup> Contrary to the Custodian's certification, responses for Items 10, 11 and 12 of the SOI were not found in the document index or elsewhere in the SOI.

provided the following explanation in response to this requirement for all of the Complainant's September 2013 requests:

1. Any records supplied were supplied in their entirety and without redactions.
2. Request (sic) that were denied were the requested items that do not fit the definition of "Government Record" per N.J.S.A. 47:1A-1.1.

The document index the Custodian prepared for the October 4, 2013 request was not responsive to the GRC's prompts for information about the requested records. Instead, the document index contained information with respect to an extension of time the Custodian requested in order to respond to an OPRA request.

The balance of the SOI consisted of a copy of the attachments to the Denial of Access Complaint.

Additional Submissions:<sup>6</sup>

On June 11, 2014, the GRC notified the Custodian that the SOI was incomplete and/or inaccurate; specifically, the Custodian was notified that the document index was defective in almost every respect. The GRC provided the Custodian with a bullet list of items that needed to be corrected. The Custodian was asked to submit a corrected SOI to the GRC within five business days.

On June 12, 2014, the Custodian requested and was granted an extension of time until June 25, 2014 to submit a corrected SOI to the GRC. Also on this date the GRC, at the Custodian's request, provided the Custodian with more detailed instructions for the proper completion of a document index.

On June 25, 2014, the Custodian forwarded to the GRC a single document index.<sup>7</sup> The request or requests corresponding to the list of records set forth in the document index was/were not identified.

---

<sup>6</sup> The GRC was having difficulty matching the Complainant's requests with the purported responses. Accordingly, there is a string of several e-mails extending from June 11, 2014 until June 27, 2014 between the GRC and the Complainant. In summary, these e-mails reflect the GRC's effort to obtain legible copies of the OPRA requests because the copies attached to the complaint had handwritten notes and comments all over them. On June 27, 2014, the GRC obtained from the Complainant legible copies of all of the requests which formed the basis of the complaint. The only missing item is the official OPRA request form for the September 18, 2014 request. The requests are collectively set forth as Exhibit A and the referenced e-mail string is contained in the case file.

<sup>7</sup> The GRC's instructions for proper completion of the document index were not followed. Although the Custodian more clearly identified the records responsive to the request, the description was still woefully inadequate. It is also clear that not all of the request items are included in the document index. The document index does not itemize the responsive records or even break down the records requested in the five OPRA requests by OPRA request date or other identifier (e.g. the Complainant's OPRA request number). For many of the records identified as being responsive to the request, the Custodian states it is neither disclosed nor denied. There are many question marks typed throughout the document index. Accordingly, the document index, which is essentially the entire SOI, is of little or no use to the GRC.

### **Analysis**

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

Based on the inadequate evidence in this matter, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, this complaint should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that based on the inadequate evidence in this matter; the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, this complaint should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Prepared By: John E. Stewart, Esq.

Approved By: Dawn R. SanFilippo, Esq.  
Senior Counsel

July 22, 2013

# **EXHIBIT A**



BOROUGH OF BOGOTA

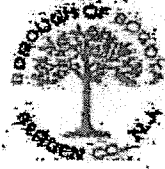
## OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records



## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information - Please Print

First Name MICHAEL MI        Last Name DOUS

E-mail Address mdous @ chccnj. org

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX       

Preferred Delivery: ☐ Pick Up ☒ US Mail ☐ On-Site ☐ Inspect ☐ Fax ☒ E-mail ☒

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature [Signature] Date 9/5/2013

## Payment Information

Maximum Authorization Cost \$       

Select Payment Method

Cash ☐ Check ☐ Money Order ☐

Fees: Letter size pages - \$0.05 per page  
Legal size pages - \$0.07 per page  
Other materials (CD, DVD, etc) - actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- H - SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2YRS
- ✓ - DETAILS RELATED TO DENY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)
- ✓ - DETAILS RELATED TO PARKING LOT LAM SUIT, DANIEL CREANGE LAWSUIT & REBINO TRUCK LAWSUIT (PUBLIC INFO.)
- A/P PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE
- W - TAX HISTORY (PROPERTY) FROM 2003 - CURRENT. TAX RATE & EQUALIZATION RATE
- ✓ BUDGETS FROM 2003 - CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

## AGENCY USE ONLY

## AGENCY USE ONLY

## AGENCY USE ONLY

Est. Document Cost       

Est. Delivery Cost       

Est. Extras Cost       

Total Est. Cost       

Deposit Amount       

Estimated Balance       

Deposit Date       

Disposition Notes  
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress ☐ Open ☐  
Denied ☐ Closed ☐  
Filled ☐ Closed ☐

Tracking Information

Tracking #       

Rec'd Date 01-2-10

Ready Date       

Total Pages       

Final Cost

Total       

Deposit       

Balance Due       

Balance Paid       

RECEIVED

TOWN RESOLUTION REGARDING PURCHASE & USE OF  
CHEVY TANDE(S). OFFICIALS  
Admin AMOUNT OF <sup>1</sup>USAGE BY EACH OFFICIAL ASSIGNED  
A VEHICLE. ~~WILL~~

PUBLIC DETAILS RELATED TO THE PURCHASE ~~OF~~ OR  
IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE  
INSTALLED IN BOBOTA PARKS.

COBG GRANTS THAT WERE AWARDED TO BOBOTA FROM 2003  
TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.

CDS5 MILEAGE LOG-

TOTAL COST OF VEHICLES IDENTIFIED VIA RESOLUTION

& MILEAGE LOG.

RESOLUTION WITH PROPERLY MONITOR

OFFICIAL. (CRITERIA, SUPERVISOR,  
NUMBER OF APPLICANTS) ~~BY~~



**BOROUGH OF BOGOTA**  
**OPEN PUBLIC RECORDS ACT REQUEST FORM**  
 375 LARCH AVENUE  
 (201) 342-1736 ext. 236 • (201) 342-0574 (FAX)  
 Email: [clerk@bogotaonline.org](mailto:clerk@bogotaonline.org)  
 Borough of Bogota Records



**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information – Please Print**

First Name	<u>MICHAEL</u>	MI		Last Name	<u>DOSS</u>
E-mail Address	<u>makdoss@yahoo.com</u>				
Mailing Address	<u>48 CHESTNUT AVENUE</u>				
City	<u>BOGOTA</u>	State	<u>NJ</u>	Zip	<u>07603</u>
Telephone	<u>(201) 745-4680</u>				
Preferred Delivery:	<input checked="" type="checkbox"/> Pick Up	<input type="checkbox"/> US Mail	<input type="checkbox"/> On-Site Inspect	<input type="checkbox"/> FAX	<input checked="" type="checkbox"/> Email
If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I <u>HAVE</u> / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.					
Signature					Date
					<u>9/16/2013</u>

**Payment Information**

Maximum Authorization Cost \$	
Select Payment Method	
Cash	<input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/>
Fees:	Letter size pages - \$0.05 per page Legal size pages - \$0.07 per page Other materials (CD, DVD, etc) -- actual
Delivery:	Delivery / postage fees additional depending upon delivery type.
Extras:	Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

*PLEASE SEE ATTACHMENT. KINDLY EXPEDITE COMMUNICATION OF INFORMATION & RESPONSES PRIOR TO SEPT. 17<sup>th</sup> 2013. IF THIS DATE CAN NOT BE ACHIEVED PLEASE CONTACT MICHAEL DOSS AT (201) 745-4680 IMMEDIATELY!*

AGENCY USE ONLY		AGENCY USE ONLY		AGENCY USE ONLY	
Est. Document Cost	_____	<b>Disposition Notes</b> Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.	<b>Tracking Information</b> Tracking # _____ Rec'd Date _____ Ready Date _____ Total Pages _____		<b>Final Cost</b> Total _____ Deposit _____ Balance Due _____ Balance Paid _____
Est. Delivery Cost	_____		Records Provided _____		
Est. Extras Cost	_____				
Total Est. Cost	_____				
Deposit Amount	_____				
Estimated Balance	_____				
Deposit Date	_____	In Progress _____ Open _____ Denied _____ Closed _____ Filled _____ Closed _____ Partial _____ Closed _____	Custodian Signature _____ Date _____		

## OPARA Request Form Attachment #1

---

### A. 2008 Budget:

1. Provide revenue and appropriation summary for 2008 budget.

### B. Finance:

#### 1. *Outstanding Debt*

- In 2007, the budget reflects approximately \$4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects \$8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional \$4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the \$8.5M Outstanding Balance.

#### 2. *Deferred Charges and Other Appropriations*

- In 2007, the budget reflects \$183K for Deferred Charges and Other Appropriations. The 2013 budget reflects \$1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately \$1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of \$1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

#### 3. *Other Expenses*

- In 2012, the budget reflects \$3.3M in other expenses and 2013 is estimated to be \$2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.
4. The budget (Total General Appropriations) for 2009 was approximately \$7.7M. The budget (Total General Appropriations) for 2013 is estimated to be \$9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional \$1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

### C. Grant monies:

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy (\$100K). Money used to upgrade equipment XXX.

### D. Resolution 13-108:

1. Provide document for purchase price for the vehicles used by the following (excluding Police Chief, Captain of Police and Superintendant of DPW) :



- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide current mileage on the Borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  4. Provide procedure or documents reflecting how mileage should be recorded/logged.
  5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
  7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  8. Insurance cost (annualized) for each of the borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

**E. OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

**F. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.

3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. Resolution 13-158:**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. Employee Manual**

1. Provide copy of employee manual.

**I. Property Maintenance employees (W. Hodges & N. Barese):**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
  - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
  - Number of candidates applying to the position.
  - Detailed process or documents by which candidates were interviewed:
    - interviewers name's/position/credentials,
    - number of interviewing rounds for each candidate,
    - analysis or determination used to derived preferred candidate(s);
    - preferred candidates' references.
  - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**J. Waste Management:**

- A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).
- B. Provide copies of the bids and documents submitted for both RFPs.
- C. Provide bid leveling analysis or any such documents determining preferred candidate.
- D. Provide copies of contract agreements with awarded provider.
- E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).
- F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).
- G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

**K. Town Engineer:**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of \$1500.
- 6.
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

**L. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**M. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
  - J. Monaghan (law firm)
  - J. Monaghan (individually)
  - Lerch, Vinci and Higgins
  - D. Lerch (individually)
  - KSL-Lawyers
  - P. Kaufman (individually)
  - Harry Tuvel's firm
  - Hary Tuvel (individually)

**N. Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
  - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
  - Number of candidates applying to the position.
  - Detailed process by which candidates were interviewed:
    - interviewers name's/position/credentials,
    - number interview rounds for each candidate;
    - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. Dewey School Property:**

1. Please provide details pertaining to the sale of the Dewey School Property:
  - Sale price and date.
  - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
  - Name of buyer(s).

**P. 297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
  - i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

- ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

**THIS IS THE OPRA REQUEST THE  
COMPLAINANT IDENTIFIED IN HIS  
COMPLAINT AS THE SEPTEMBER 18, 2013  
REQUEST (aka COMPLAINANT'S "OPRA  
#3). NO OFFICIAL OPRA REQUEST FORM  
COULD BE FOUND FOR THIS REQUEST**

---

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013)**


---

**A. Finance:****1. Outstanding Debt**

- In 2007, the budget reflects approximately \$4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects \$8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional \$4M outstanding and itemized details regarding allocation of these funds.

*Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		
2010		
2011		
2012		
2013		

- Provide any documents that relate to financial plans for eliminating the \$8.5M Outstanding Balance.

*Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

*If yes, please list/names of controls, financial tool or plan.*

**2. Deferred Charges and Other Appropriations**

- In 2007, the budget reflects \$183K for Deferred Charges and Other Appropriations. The 2013 budget reflects \$1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately \$1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		



2010		
2011		
2012		
2013		

- 

- Additionally, please provide details and documents related to the allocation of \$1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

The budget (Total General Appropriations) for 2009 was approximately \$7.7M. The budget (Total General Appropriations) for 2013 is estimated to be \$9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional \$1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2009	\$550K	Repairs to roadways
2010		
2011		
2012		
2013		

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

*Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example: received \$500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy (\$100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

**C. Resolution 13-108:**

1. Provide document for purchase price (**copy of purchase order**) for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
  - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
  - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
  - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

**D. OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

- A. Provide amount of savings determined by outsourcing was removal.
- B. Provide savings determined by recuing waste pick up to once per month.
- C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
  - J. Monaghan (law firm)
  - J. Monaghan (individually)
  - Lerch, Vinci and Higgins
  - D. Lerch (individually)
  - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

**K. Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**L. 297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

- i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?
  - ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**NOTES:**

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**



BOROUGH OF BOGOTA

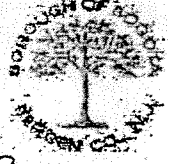
# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: [clerk@bogotaonline.org](mailto:clerk@bogotaonline.org)

Borough of Bogota Records



## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information - Please Print

First Name MICHAEL MI        Last Name DOU

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX       

Preferred Delivery: ☒ Pick Up ☐ US Mail ☐ On-Site ☐ Inspect ☐ Fax ☐ E-mail

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [Signature] Date 9/30/2013

### Payment Information

Maximum Authorization Cost \$       

Select Payment Method

Cash ☐ Check ☐ Money Order ☐

Fees: Letter size pages - \$0.05 per page  
Legal size pages - \$0.07 per page  
Other materials (CD, DVD, etc) - actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED  
"OPRA REQUEST FORM ATTACHMENT #4"  
PLEASE PROVIDE RESPONSES & DOCUMENTATION  
NUMERICAL/BULLETED FORMAT AS REFLECTED  
IN "OPRA REQUEST FORM ATTACHMENT #4"  
THANK YOU FOR YOUR TIME!

AGENCY USE ONLY		AGENCY USE ONLY		AGENCY USE ONLY	
Est. Document Cost	_____	Disposition Notes Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.	Tracking Information		Final Cost
Est. Delivery Cost	_____		Tracking #	_____	Total
Est. Extras Cost	_____		Rec'd Date	_____	Deposit
Total Est. Cost	_____		Ready Date	_____	Balance Due
Deposit Amount	_____		Total Pages	_____	Balance Paid
Estimated Balance	_____				
Deposit Date	_____				
		In Progress	-	Open	_____
		Denied	-	Closed	_____
		Filled	-	Closed	_____
		Partial	-	Closed	_____
		Custodian Signature		Date	

RECEIVED

**A. Finance:**

**1. Outstanding Debt**

- In 2007, the budget reflects approximately \$4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects \$8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional \$4M outstanding and itemized details regarding allocation of these funds.

*Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		
2010		
2011		
2012		
2013		

- Provide any documents that relate to financial plans for eliminating the \$8.5M Outstanding Balance.

*Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

*If yes, please list/names of controls, financial tool or plan.*

**2. Deferred Charges and Other Appropriations**

- In 2007, the budget reflects \$183K for Deferred Charges and Other Appropriations. The 2013 budget reflects \$1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately \$1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		

2010		
2011		
2012		
2013		

- 
- Additionally, please provide details and documents related to the allocation of \$1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

The budget (Total General Appropriations) for 2009 was approximately \$7.7M. The budget (Total General Appropriations) for 2013 is estimated to be \$9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional \$1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2009	\$550K	Repairs to roadways
2010		
2011		
2012		
2013		

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

*Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example: received \$500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy (\$100K). Money used to upgrade equipment XXX.



*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

**C. Resolution 13-108:**

1. Provide document for purchase price (**copy of purchase order**) for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
  - i. Fire Chief, Deputy Fire Chief,
  - ii. Battalion Chief,
  - iii. OEM Coordinator,
  - iv. Fire Official,
  - v. EMS Chief
  - vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
  - i. Fire Chief, Deputy Fire Chief,
  - ii. Battalion Chief,
  - iii. OEM Coordinator,
  - iv. Fire Official,
  - v. EMS Chief
  - vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
  - i. Fire Chief, Deputy Fire Chief,
  - ii. Battalion Chief,
  - iii. OEM Coordinator,
  - iv. Fire Official,
  - v. EMS Chief
  - vi. Rescue Chief

**D. OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.

5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of \$17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of \$17,500 dollars for 2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of \$17,500 dollars for 2011, 2012; 2013?

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

- A. Provide amount of savings determined by outsourcing waste removal.
- B. Provide savings determined by recuing waste pick up to once per month.
- C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
  - i. J. Monaghan (law firm)
  - ii. J. Monaghan (individually)
  - iii. Lerch, Vinci and Higgins
  - iv. D. Lerch (individually)
  - v. KSL-Lawyers
  - vi. P. Kaufman (individually)
  - vii. Harry Tuvel's firm
  - viii. Hary Tuvel (individually)

**K. Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

**L. 297 Palisades Avenue Redevelopment Project:**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
  - i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
  - ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
  - iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment (\$88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are \$880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
  - i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?  
  
Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.
  - ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abatement, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
  - i. Prospective age range of tenants.
  - ii. Targeted salary range for tenants.
  - iii. Children per household.
  - iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents?  
Associated cost with any increase in work force?

**M. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. Text messages (on Bogota Borough issued phones and personal phones):**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. Salary history and annual increases:**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. Salary history and annual increases for Bogota Borough employees:**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
  - i. F. Garlicki
  - ii. J. Cook
  - iii. P. Wilkens

- iv. B. Wiemer
- v. C. Carpenter
- vi. H. Hegel
- vii. W. Hodges
- viii. N. Barese
- ix. G. Kholes
- x. D. Howell
- xi. J. Morre
- xii. G. McNerney
- xiii. J. Davis
- xiv. L. Kern

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.



BOROUGH OF BOGOTA

## OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records



## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information - Please Print

First Name MICHAEL MI \_\_\_\_\_ Last Name DASSE-mail Address makdass@yahoo.comMailing Address 48 CHESTNUT AVE.City BOGOTA State NJ Zip 07603Telephone (201) 745-4630

FAX \_\_\_\_\_

Preferred Delivery: Pick Up ☒ US Mail \_\_\_\_\_ On-Site Inspect \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.Signature [Signature]Date 10/4/2013

## Payment Information

Maximum Authorization Cost \$ \_\_\_\_\_

## Select Payment Method

Cash ☐ Check ☐ Money Order ☐Fees: Letter size pages - \$0.05 per page  
Legal size pages - \$0.07 per page  
Other materials (CD, DVD, etc) - actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED OPR #5 SUBMITTED ON  
10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION  
REQUESTED WITHIN THE 7-DAY TIME FRAME PER  
OPRO REQUIREMENTS. KENNY FOLLOW THE NUMERICAL FORMAT ON THE  
ATTACHMENT #5.  
THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING  
& PROVIDING ME WITH THE INFORMATION

BOROUGH OF BOGOTA

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

Est. Document Cost \_\_\_\_\_  
Est. Delivery Cost \_\_\_\_\_  
Est. Extras Cost \_\_\_\_\_  
Total Est. Cost \_\_\_\_\_  
Deposit Amount \_\_\_\_\_  
Estimated Balance \_\_\_\_\_

Deposit Date \_\_\_\_\_

Disposition Notes  
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress \_\_\_\_\_ Open \_\_\_\_\_

Tracking Information

Tracking # \_\_\_\_\_  
Rec'd Date \_\_\_\_\_  
Ready Date \_\_\_\_\_  
Total Pages \_\_\_\_\_

Final Cost

Total \_\_\_\_\_  
Deposit \_\_\_\_\_  
Balance Due \_\_\_\_\_  
Balance Paid \_\_\_\_\_

Records Provided

10/4/13 [Signature]



**A. Purchase orders and invoices for the following vendors/contractors/consultants:**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
  - Metrocom Wireless
  - Motorola (all Motorola accounts)
  - Verizon (all Verizon accounts)
  - Tuvel Engineering
  - Communications
  - P. C. Richards
  - Millennium Visual Systems
  - Tropicana Hotel (April 2013 only)
  - Microsystems
  - Game Time Equipment
  - Home Depot
  - Staples
  - Hardwood Tree Services
  - Clear Span Fabric
  - Earth Networks
  - NJ EZ-Pass
  - State Line Fire & Safety
  - Applebee's (June 2013 only)
  - Patrick McHale (monthly reimbursements details)
  - Antera Tito Jackson's (monthly reimbursements details)
  - Lenard Nicolosi (monthly reimbursements details)
  - August (Chip) Greiner (monthly reimbursements details)
  - Nicholas Barese (monthly reimbursements details)
  - Warren Hodges (monthly reimbursements details)

**B. September 19, 2013 Borough of Bogota hearing:**

1. Provide audio recording of the complete hearing for the night of September 19, 2013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 2013.

**C. Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
  - Patrick McHale
  - Antera Tito Jackson
  - Wanda Uceta
  - Lenard Nicolosi
  - August (Chip) Greiner (2013 only).
  - Nicolas Barese
  - Warren Hodges

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

# EXHIBIT A



BOROUGH OF BOGOTA

## OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records



Completed

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information - Please Print

First Name MICHAEL MI Last Name DOUSE-mail Address mdous@chccnj.orgMailing Address 48 CHESTNUT AVECity BOGOTA State NJ Zip 07603Telephone (201) 745-4680

FAX

Preferred Delivery: Pick Up ☒ US Mail On-Site Inspect Fax E-mail ☒If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.Signature [Signature]Date 9/5/2013

## Payment Information

Maximum Authorization Cost \$

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - \$0.05 per page  
Legal size pages - \$0.07 per page  
Other materials (CD, DVD, etc) - actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- H - SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2 YRS
- ✓ - DETAILS RELATED TO DENY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)
- ✓ - DETAILS RELATED TO PARKING LOT LAM SUET, DANIEL CREANGE LAWSUIT & REBINO TRUCK LAWSUIT (PUBLIC INFO.)
- A/P PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE
- IN - TAX HISTORY (PROPERTY) FROM 2003 - CURRENT. TAX RATE & EQUALIZATION RATE
- ✓ BUDGETS FROM 2003 - CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

Est. Document Cost \_\_\_\_\_

Est. Delivery Cost \_\_\_\_\_

Est. Extras Cost \_\_\_\_\_

Total Est. Cost \_\_\_\_\_

Deposit Amount \_\_\_\_\_

Estimated Balance \_\_\_\_\_

Deposit Date \_\_\_\_\_

Disposition Notes

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress \_\_\_\_\_ Open \_\_\_\_\_

Denied \_\_\_\_\_ Closed \_\_\_\_\_

Filled \_\_\_\_\_ Closed \_\_\_\_\_

Tracking Information

Final Cost

Tracking # \_\_\_\_\_

Rec'd Date SEP 2 2013

Ready Date \_\_\_\_\_

Total Pages \_\_\_\_\_

Total \_\_\_\_\_

Deposit 235.00

Balance Due \_\_\_\_\_

Balance Paid \_\_\_\_\_

RECEIVED

TOWN RESOLUTION REGARDING PURCHASE & USE OF

CHEVY TANDE(S). OFFICIAL

ADMIN AMOUNT OF <sup>1</sup> USAGE BY EACH OFFICIAL ASSIGNED  
A VEHICLE. ~~WILL~~

PUBLIC DETAILS RELATED TO THE PURCHASE ~~OF~~ OR  
IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE  
INSTALLED IN BOGOTA PARKS.

CDBG GRANTS THAT WERE AWARDED TO BOGOTA FROM 2003  
TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.

CDBG MILEAGE LOG

TOTAL COST OF VEHICLES PURCHASED VIA RESOLUTION

& MILEAGE LOG.

RESOLUTION WITH PROPERLY MONITOR

OFFICIAL. (CRITERIA, SUPERVISION,

NUMBER OF APPLICANTS) ~~BY~~



**BOROUGH OF BOGOTA**  
**OPEN PUBLIC RECORDS ACT REQUEST FORM**  
 375 LARCH AVENUE  
 (201) 342-1736 ext. 235 • (201) 342-0574 (FAX)  
 Email: [clerk@bogotaonline.org](mailto:clerk@bogotaonline.org)  
 Borough of Bogota Records



**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information - Please Print**

First Name MICHAEL MI Last Name DOSS  
 E-mail Address makdoss@yahoo.com  
 Mailing Address 48 CHESTNUT AVENUE  
 City BOGOTA State NJ Zip 07603  
 Telephone (201) 745-4680 FAX 02  
 Preferred Delivery: ☒ Up ☒ US Mail ☒ On-Site ☒ Inspect ☒ Fax ☒ E-mail ☒  
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.  
 Signature [Signature] Date 9/16/2013

**Payment Information**

Maximum Authorization Cost \$  
 Select Payment Method  
 Cash ☐ Check ☐ Money Order ☐  
 Fees: Letter size pages - \$0.06 per page  
 Legal size pages - \$0.07 per page  
 Other materials (CD, DVD, etc) - actual  
 Delivery: Delivery / postage fees additional depending upon delivery type.  
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

*PLEASE SEE ATTACHMENT. KINDLY  
 EXPEDITE COMMUNICATION OF INFORMATION  
 & RESPONSES PRIOR TO SEPT. 17<sup>th</sup> 2013.  
 IF THIS DATE CAN NOT BE ACHIEVED  
 PLEASE CONTACT MICHAEL DOSS AT  
 (201) 745-4680 IMMEDIATELY!*

AGENCY USE ONLY		AGENCY USE ONLY		AGENCY USE ONLY	
Est. Document Cost	_____	Disposition Notes Custodian: If any part of request cannot be delivered in seven business days, detail response here.	Tracking Information Tracking # _____ Rec'd Date _____ Ready Date _____ Total Pages _____	Final Cost	
Est. Delivery Cost	_____			Total	_____
Est. Extras Cost	_____			Deposit	_____
Total Est. Cost	_____			Balance Due	_____
Deposit Amount	_____			Balance Paid	_____
Estimated Balance	_____			Records Provided	
Deposit Date	_____	In Progress	Open	Custodian Signature	Date
		Denied	Closed		
		Filled	Closed		
		Partial	Closed		

**A. 2008 Budget:**

1. Provide revenue and appropriation summary for 2008 budget.

**B. Finance:**

**1. *Outstanding Debt***

- In 2007, the budget reflects approximately \$4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects \$8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional \$4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the \$8.5M Outstanding Balance.

**2. *Deferred Charges and Other Appropriations***

- In 2007, the budget reflects \$183K for Deferred Charges and Other Appropriations. The 2013 budget reflects \$1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately \$1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of \$1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

**3. *Other Expenses***

- In 2012, the budget reflects \$3.3M in other expenses and 2013 is estimated to be \$2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.
4. The budget (Total General Appropriations) for 2009 was approximately \$7.7M. The budget (Total General Appropriations) for 2013 is estimated to be \$9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional \$1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

**C. Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy (\$100K). Money used to upgrade equipment XXX.

**D. Resolution 13-108:**

1. Provide document for purchase price for the vehicles used by the following (excluding Police Chief, Captain of Police and Superintendant of DPW) :

- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide current mileage on the Borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  4. Provide procedure or documents reflecting how mileage should be recorded/logged.
  5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
  7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
  8. Insurance cost (annualized) for each of the borough vehicles used by the following:
    - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

**E. OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

**F. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.



3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. Resolution 13-158:**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. Employee Manual**

1. Provide copy of employee manual.

**I. Property Maintenance employees (W. Hodges & N. Barese):**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
  - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
  - Number of candidates applying to the position.
  - Detailed process or documents by which candidates were interviewed:
    - interviewers name's/position/credentials,
    - number of interviewing rounds for each candidate,
    - analysis or determination used to derived preferred candidate(s);
    - preferred candidates' references.
  - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**J. Waste Management:**

- A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).
- B. Provide copies of the bids and documents submitted for both RFPs.
- C. Provide bid leveling analysis or any such documents determining preferred candidate.
- D. Provide copies of contract agreements with awarded provider.
- E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).
- F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).
- G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

**K. Town Engineer:**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of \$1500.
- 6.
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

**L. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**M. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
  - J. Monaghan (law firm)
  - J. Monaghan (individually)
  - Lerch, Vinci and Higgins
  - D. Lerch (individually)
  - KSL-Lawyers
  - P. Kaufman (individually)
  - Harry Tuvel's firm
  - Hary Tuvel (individually)

**N. Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
  - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
  - Number of candidates applying to the position.
  - Detailed process by which candidates were interviewed:
    - interviewers name's/position/credentials,
    - number interview rounds for each candidate;
    - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. Dewey School Property:**

1. Please provide details pertaining to the sale of the Dewey School Property:
  - Sale price and date.
  - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
  - Name of buyer(s).

**P. 297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
  - i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

- ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

**THIS IS THE OPRA REQUEST THE  
COMPLAINANT IDENTIFIED IN HIS  
COMPLAINT AS THE SEPTEMBER 18, 2013  
REQUEST (aka COMPLAINANT'S "OPRA  
#3). NO OFFICIAL OPRA REQUEST FORM  
COULD BE FOUND FOR THIS REQUEST**

---

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013)**


---

**A. Finance:****1. Outstanding Debt**

- In 2007, the budget reflects approximately \$4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects \$8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional \$4M outstanding and itemized details regarding allocation of these funds.

*Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		
2010		
2011		
2012		
2013		

- Provide any documents that relate to financial plans for eliminating the \$8.5M Outstanding Balance.

*Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

*If yes, please list/names of controls, financial tool or plan.*

**2. Deferred Charges and Other Appropriations**

- In 2007, the budget reflects \$183K for Deferred Charges and Other Appropriations. The 2013 budget reflects \$1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately \$1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		

2010		
2011		
2012		
2013		

- Additionally, please provide details and documents related to the allocation of \$1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

The budget (Total General Appropriations) for 2009 was approximately \$7.7M. The budget (Total General Appropriations) for 2013 is estimated to be \$9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional \$1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2009	\$550K	Repairs to roadways
2010		
2011		
2012		
2013		

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

#### **B. Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

*Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example: received \$500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy (\$100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*



**C. Resolution 13-108:**

1. Provide document for purchase price (**copy of purchase order**) for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
  - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
  - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
  - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

**D. OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

- A. Provide amount of savings determined by outsourcing was removal.
- B. Provide savings determined by recuing waste pick up to once per month.
- C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
  - J. Monaghan (law firm)
  - J. Monaghan (individually)
  - Lerch, Vinci and Higgins
  - D. Lerch (individually)
  - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

**K. Borough Administrator:**



1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**L. 297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

- i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?
  - ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**NOTES:**

-  Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
-  In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.



BOROUGH OF BOGOTA

## OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: [clerk@bogotaonline.org](mailto:clerk@bogotaonline.org)  
Borough of Bogota Records

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name	<u>MICHAEL</u>	MI		Last Name	<u>DOSS</u>
E-mail Address	<u>makdoss@yahoo.com</u>				
Mailing Address	<u>48 CHESTNUT AVE</u>				
City	<u>BOGOTA</u>	State	<u>NJ</u>	Zip	<u>07603</u>
Telephone	<u>(201) 745-4630</u>		FAX		
Preferred Delivery:	<input checked="" type="checkbox"/> Pick Up	<input type="checkbox"/> US Mail	<input type="checkbox"/> On-Site Inspect	<input type="checkbox"/> Fax	<input type="checkbox"/> E-mail
If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I <u>HAVE</u> / <u>HAVE NOT</u> been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.					
Signature	<u>[Signature]</u>			Date	<u>9/30/2013</u>

## Payment Information

Maximum Authorization Cost \$	
Select Payment Method	
Cash	<input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/>
Fees:	Letter size pages – \$0.05 per page Legal size pages – \$0.07 per page Other materials (CD, DVD, etc) – actual
Delivery:	Delivery / postage fees additional depending upon delivery type.
Extras:	Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED  
"OPRA REQUEST FORM ATTACHMENT #4"  
PLEASE PROVIDE RESPONSES & DOCUMENTATION  
NUMERICAL/BULLETED FORMAT AS REFLECTED  
IN "OPRA REQUEST FORM ATTACHMENT #1"  
THANK YOU FOR YOUR TIME!

AGENCY USE ONLY		AGENCY USE ONLY		AGENCY USE ONLY	
Est. Document Cost	_____	Disposition Notes Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.	Tracking Information		Final Cost
Est. Delivery Cost	_____		Tracking #	_____	Total
Est. Extra Cost	_____		Rec'd Date	_____	Deposit
Total Est. Cost	_____		Ready Date	_____	Balance Due
Deposit Amount	_____		Total Pages	_____	Balance Paid
Estimated Balance	_____				Records Provided
Deposit Date	_____	In Progress	Open		
		Denied	Closed		
		Filed	Closed		
		Partial	Closed		
		Custodian Signature		Date	

RECEIVED

**A. Finance:**

**1. Outstanding Debt**

- In 2007, the budget reflects approximately \$4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects \$8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional \$4M outstanding and itemized details regarding allocation of these funds.

*Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		
2010		
2011		
2012		
2013		

- Provide any documents that relate to financial plans for eliminating the \$8.5M Outstanding Balance.

*Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

*If yes, please list/names of controls, financial tool or plan.*

**2. Deferred Charges and Other Appropriations**

- In 2007, the budget reflects \$183K for Deferred Charges and Other Appropriations. The 2013 budget reflects \$1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately \$1M in Deferred Charges and Other Appropriations.

*Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2007	\$550K	Repairs to roadways
2008		
2009		

2010		
2011		
2012		
2013		

- Additionally, please provide details and documents related to the allocation of \$1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

The budget (Total General Appropriations) for 2009 was approximately \$7.7M. The budget (Total General Appropriations) for 2013 is estimated to be \$9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional \$1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

*For example:*

YEAR	Cost	Expense Description
2009	\$550K	Repairs to roadways
2010		
2011		
2012		
2013		

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

#### **B. Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

*Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

*For example: received \$500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy (\$100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

**C. Resolution 13-108:**

1. Provide document for purchase price (**copy of purchase order**) for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendent of DPW**) :
  - i. Fire Chief, Deputy Fire Chief,
  - ii. Battalion Chief,
  - iii. OEM Coordinator,
  - iv. Fire Official,
  - v. EMS Chief
  - vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
  - i. Fire Chief, Deputy Fire Chief,
  - ii. Battalion Chief,
  - iii. OEM Coordinator,
  - iv. Fire Official,
  - v. EMS Chief
  - vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
  - i. Fire Chief, Deputy Fire Chief,
  - ii. Battalion Chief,
  - iii. OEM Coordinator,
  - iv. Fire Official,
  - v. EMS Chief
  - vi. Rescue Chief

**D. OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.



5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of \$17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of \$17,500 dollars for 2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of \$17,500 dollars for 2011, 2012; 2013?

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

- A. Provide amount of savings determined by outsourcing waste removal.
- B. Provide savings determined by recycling waste pick up to once per month.
- C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
  - i. J. Monaghan (law firm)
  - ii. J. Monaghan (individually)
  - iii. Lerch, Vinci and Higgins
  - iv. D. Lerch (individually)
  - v. KSL-Lawyers
  - vi. P. Kaufman (individually)
  - vii. Harry Tuvel's firm
  - viii. Harry Tuvel (individually)

**K. Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

**L. 297 Palisades Avenue Redevelopment Project:**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
  - i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
  - ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
  - iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment (\$88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are \$880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
  - i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?  
  
Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.
  - ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abatement, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
  - i. Prospective age range of tenants.
  - ii. Targeted salary range for tenants.
  - iii. Children per household.
  - iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**M. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. Text messages (on Bogota Borough issued phones and personal phones):**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. Salary history and annual increases:**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. Salary history and annual increases for Bogota Borough employees:**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
  - i. F. Garlicki
  - ii. J. Cook
  - iii. P. Wilkens

- iv. B. Wiemer
- v. C. Carpenter
- vi. H. Hegel
- vii. W. Hodges
- viii. N. Barese
- ix. G. Kholes
- x. D. Howell
- xi. J. Morre
- xii. G. McNerney
- xiii. J. Davis
- xiv. L. Kern

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.



BOROUGH OF BOGOTA  
**OPEN PUBLIC RECORDS ACT REQUEST FORM**  
375 LARCH AVENUE  
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)  
Email: [clerk@bogotaonline.org](mailto:clerk@bogotaonline.org)  
Borough of Bogota Records



**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information - Please Print**

First Name	<u>MICHAEL</u>	MI		Last Name	<u>DASS</u>
E-mail Address	<u>makdass@yahoo.com</u>				
Mailing Address	<u>48 CHESTNUT AVE.</u>				
City	<u>BOGOTA</u>	State	<u>NJ</u>	Zip	<u>07605</u>
Telephone	<u>(201) 745-4630</u>		FAX		
Preferred Delivery:	Pick Up <input checked="" type="checkbox"/>	US Mail	On-Site Inspect	Fax	E-mail
If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I <u>HAVE</u> / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.					
Signature	<u>[Signature]</u>		Date	<u>10/4/2013</u>	

**Payment Information**

Maximum Authorization Cost \$		
Select Payment Method		
Cash	Check	Money Order
Fees:	Letter size pages - \$0.05 per page Legal size pages - \$0.07 per page Other materials (CD, DVD, etc) - actual	
Delivery:	Delivery / postage fees additional depending upon delivery type.	
Extras:	Special service charge dependent upon request.	

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED OPRO #5 SUBMITTED ON 10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION REQUESTED WITHIN THE 7-DAY TIME FRAME - PER OPRO REQUIREMENTS. KINDLY FOLLOW THE NUMERICAL FORMAT ON ATTACHMENT #5. THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING & PROVIDING ME WITH THE INFORMATION

<b>AGENCY USE ONLY</b>		<b>AGENCY USE ONLY</b>		<b>AGENCY USE ONLY</b>	
Est. Document Cost	_____	<b>Disposition Notes</b> Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.	<b>Tracking Information</b> Tracking # _____ Rec'd Date _____ Ready Date _____ Total Pages _____	<b>Final Cost</b>	
Est. Delivery Cost	_____			Total	_____
Est. Extras Cost	_____			Deposit	_____
Total Est. Cost	_____			Balance Due	_____
Deposit Amount	_____			Balance Paid	_____
Estimated Balance	_____	Records Provided			
Deposit Date	_____	In Progress	Open		

10/4/13 [Signature]

**A. Purchase orders and invoices for the following vendors/contractors/consultants:**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
  - Metrocom Wireless
  - Motorola (all Motorola accounts)
  - Verizon (all Verizon accounts)
  - Tuvel Engineering
  - Communications
  - P. C. Richards
  - Millennium Visual Systems
  - Tropicana Hotel (April 2013 only)
  - Microsystems
  - Game Time Equipment
  - Home Depot
  - Staples
  - Hardwood Tree Services
  - Clear Span Fabric
  - Earth Networks
  - NJ EZ-Pass
  - State Line Fire & Safety
  - Applebee's (June 2013 only)
  - Patrick McHale (monthly reimbursements details)
  - Antera Tito Jackson's (monthly reimbursements details)
  - Lenard Nicolosi (monthly reimbursements details)
  - August (Chip) Greiner (monthly reimbursements details)
  - Nicholas Barese (monthly reimbursements details)
  - Warren Hodges (monthly reimbursements details)

**B. September 19, 2013 Borough of Bogota hearing:**

1. Provide audio recording of the complete hearing for the night of September 19, 2013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 2013.



**C. Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
  - Patrick McHale
  - Antera Tito Jackson
  - Wanda Uceta
  - Lenard Nicolosi
  - August (Chip) Greiner (2013 only).
  - Nicolas Barese
  - Warren Hodges

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

# **EXHIBIT B**

**A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate) SECOND REQUEST:**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Mayor Pat McHale for 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Ms. Consuelo Carpenter for 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2010, 2011, 2012 and 2013.

**B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate):**

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Administrator Mr. Greiner.
7. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Paul Kaufman for 2010, 2011, 2012 and 2013.
8. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Patrick McHale for 2010, 2011, 2012 and 2013.
9. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Paul Kaufman and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.

**B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities-THIRD REQUEST:**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**C. Text messages (on Bogota Borough issued phones and personal phones)-THIRD REQUEST:**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.

D. Provide copy of application for tax abatement / PILOT for 297 Palisade Avenue.

E. Provide copy of application for development of 297 Palisade Avenue.

F. **Borough Administrator Chip Greiner's Dodge Charger:** The Borough Administrator's vehicle (black Dodge Charger) up until recently bared Municipality license plates. Which municipality is the vehicle insured under or registered too?

**G. Phone logs for Borough of Bogota issued phones (THIRD REQUEST):**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
  - Patrick McHale
  - Antera Tito Jackson
  - Lenard Nicolosi
  - August (Chip) Greiner (2013 only).
  - Nicolas Barese
  - Warren Hodges

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

- ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."
- A DATE FOR COLLECTING/ISSUING THE INFORMATION TO ME IS REQUESTED.
- SOME OF THE INFORMATION LISTED ON THIS OPRA HAS BEEN REQUESTED PREVIOUSLY AND YOU FAILED TO PROVIDE THE INFORMATION. KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT FOR OPRA DENIALS.

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address):

1. Provide **ALL** correspondences (emails and letters) that are "**to**," "**from**," "**cc**," and "**bc**" between Mr. August Greiner's email address "Agreiner@merail.com" and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
2. Provide **ALL** correspondences (emails and letters) that are "**to**," "**from**," "**cc**," and "**bc**" between Mr. August Greiner and Mr. Paul Kaufman for the year 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
3. Provide **ALL** correspondences (emails and letters) that are "**to**," "**from**," "**cc**," and "**bc**" between Mr. August Greiner and Mr. A. Tito Jackson for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

4. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. August Greiner and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
5. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. August Greiner and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
6. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. August Greiner and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
7. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. August Greiner and Ms. C. Carpenter for the years 2013 and 2014 that contain any of the following

words: Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.

8. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. A. Tito Jackson and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.
  
9. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. A. Tito Jackson and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.
  
10. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. A. Tito Jackson and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction,



*development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

11. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. A. Tito Jackson and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
  
12. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. Joseph Monaghan and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
  
13. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. Joseph Monaghan and Mr. Richard LaBarbiera for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking,*

*visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

14. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. Paul Kaufman and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Pallsade Avenue, 297 Pallsade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
  
15. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. Patrick McHale and Mr. Paul Kaufman for the year 2013 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Pallsade Avenue, 297 Pallsade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
  
16. Provide ALL correspondences (emails and letters) that are "to," "from," "cc," and "bc" between Mr. Patrick McHale and Mr. A. Tito Jackson for the year 2013 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Pallsade Avenue, 297 Pallsade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdlez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

17. Provide **ALL** correspondences (emails and letters) that are "**to**," "**from**," "**cc**," and "**bc**" between Mr. Patrick McHale and Mr. August Greiner for the year 2013 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiaz Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
  
18. Provide **ALL** correspondences (emails and letters) that are "**to**," "**from**," "**cc**," and "**bc**" between Mr. Patrick McHale and Mr. Joseph Monaghan for the year 2013 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiaz Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*
  
19. Provide **ALL** correspondences (emails and letters) that are "**to**," "**from**," "**cc**," and "**bc**" between Mr. Patrick McHale and Mr. Harry Tuvell for the year 2013 that contain any of the following words: *Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiaz Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

- B. Provide copy of application / grant for FEMA funds provided for damages incurred by hurricane Sandy.
- C. Provide all phone invoices or logs for borough issued phones for Mr. Greiner and Mr. A. Tito Jackson for the years of 2013 and 2014.
- D. Provide financial disclosures for Mr. Greiner, Mr. A. Tito Jackson, Mr. Harry Tuvell, and Mr. Joseph Monaghan.
- E. Provide residential property real estate taxes for 437 Larch Avenue for years 2011, 2012, 2013 and 2014.

**NOTES:**

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.
- ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."
- PROVIDE ME WITH THE DATE FOR COLLECTING/ISSUING THE INFORMATION REQUESTED.
- KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT(S) FOR FAILURE TO COMPLY WITH THE OPRA REGULATION.